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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Deutsche Bank National Trust Company as
Trustee for IndyMac Inda Mortgage Loan
Trust 2005-AR1, Mortgage Pass-through
Certificates Series 2005-AR1,

Plaintiff

v.

Park 1 at Summerlingate Homeowners'
Association,

Defendant

Case No. 2:17-cv-01761-JAD-BNW

**Order Vacating Hearing, Dismissing
Remaining Claims as Moot and Directing
Entry of Final Judgment**

[ECF Nos. 30, 32]

Three months ago, I granted Deutsche Bank's motion for partial summary judgment. I found that the bank had established that the 2014 non-judicial, HOA foreclosure sale of a condominium home on which it claims a deed of trust was affected by fraud and unfairness and should be equitably set aside. But because the bank's motion did not address its unjust-enrichment claim and offered no argument about the precise nature of the equitable relief that it is entitled to for this fraud, I entered only partial summary judgment and gave the bank until June 20, 2019, to file a final wrap-up motion.

The bank complied. In its Motion for Summary Judgment on all Remaining Issues and Request for Final Judgment,¹ it "submits that the remaining pending claims are moot" and asks that I dismiss those claims and enter final judgment declaring that "the HOA and any successors-

¹ ECF No. 32.

1 in-interest to the HOA, purchased the Property subject to the first Deed of Trust.”² The HOA
2 has not responded or moved to extend its deadline to do so.

3 Based on my grant of partial summary judgment in favor of the bank on its quiet-title
4 claims for the reasons stated in my Order Granting Partial Summary Judgment,³ and with good
5 cause appearing and no reason to delay, IT IS THEREFORE ORDERED that the Motion for
6 Summary Judgment on All Remaining Issues and Request for Final Judgment [ECF Nos. 30, 32]
7 is **GRANTED**; the Clerk of Court is directed to **ENTER FINAL JUDGMENT** in favor of
8 the plaintiff and against the defendant **DECLARING** that

9 the deed of trust for the property located at 8600 W.
10 Charleston Blvd., unit 1192 in Las Vegas, Nevada, recorded as
11 Instrument # 20050831-0006777 in the real property records of
12 Clark County, Nevada, on 8/31/05, was not extinguished by the
13 foreclosure sale reflected in Instrument # 20141014-0000984 in
the real property records of Clark County, Nevada, on
10/14/14, so foreclosure-sale purchaser Park 1 at
Summerlingate Homeowners’ Association took the property
subject to the deed of trust.

14 IT IS FURTHER ORDERED that **all remaining claims are DISMISSED** as moot, and
15 the Clerk of Court is directed to **CLOSE THIS CASE**.

16 The hearing scheduled for 8/26/19 at 3 p.m. [ECF No. 33] is **VACATED**.

17 Dated: August 25, 2019

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19 _____
U.S. District Judge Jennifer A. Dorsey

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23 ² *Id.* at 5.

³ ECF No. 29.